

EXHIBIT 4

Battery Carousel
Finalist's Proposal Package
February 2, 2004



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Return immediately!
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New York Aquarium
Corner of Surf Ave. and W. 8th St.
Brooklyn, NY 11224
(718) 265-FISH

Call for directions

**The Battery Conservancy
Marine Life Carousel Figures
Artist Orientation Outline**

The Battery Conservancy seeks to commission an artist or a team of artists to design and supervise the fabrication and installation of 26 figures plus 1 chariot for the Battery Carousel. This one-of-a-kind feature is being designed to create the sensation of an underwater experience that recalls the first Aquarium, which was located in Castle Clinton in the Battery from 1896-1941. The Battery Carousel is part of the plan to revitalize the park as a lively, contemporary park that references the phenomenal events and activities that have taken place here.

Background: As the birthplace of New York, the Battery's history is colorful and varied. The park is at the confluence of the Hudson and East Rivers where the earliest Dutch settlers landed in 1623, and where the first "battery" of cannons was erected to defend New Amsterdam. Castle Clinton, the circular fort, was built in anticipation of the War of 1812, a decade later it was renamed Castle Garden and was transformed into the city's premier cultural center. By 1855 successive landfills had enlarged the Park to encompass Castle Garden and the structure became America's first immigrant receiving center, welcoming 7 million people before it was succeeded by Ellis Island. In 1896, the Castle was converted into the city's first public aquarium until its partial demolition in 1941. The Battery is also home to a wide array of monuments and memorials beginning in 1817 with the tablet in honor of Fort George. More information on the Battery's history can be found at www.thebattery.org

The Battery Conservancy, a not-for-profit educational corporation, was created in 1994 to revitalize Battery Park and renew the spirit of Castle Clinton National Monument, the park's major landmark. The Conservancy's goals are to return the Battery to its historic role as a center of downtown cultural life and to create a vibrant urban landscape on the waterfront that honors its heritage and inspires its four million annual visitors.

The Battery Today: With 23 acres of waterfront parkland, the historic Battery is the largest open public space downtown. The Battery is the gateway to the New York Harbor and its many cultural destinations. So far, The Conservancy has raised \$32 million in public and private funds. This includes the reconstructed Dewey Promenade, opened in 1998; the new Upper Promenade, opened in 2001; the new Battery Bikeway and Gardens; and federal transportation funds allocated for the adaptive reuse of Castle Clinton National Monument. The Conservancy and NYC Parks have worked to improve park maintenance, and, guided by the award-winning 1986 Battery Park Master Plan, have collaborated on rebuilding the landscape.

Other contemporary artworks in the park include *The River That Flows Two Ways*, Wopo Holup's seawall railing, installed in June 2000, that depicts the cultural and natural history of the Battery. From time to time temporary artworks are sited in the park.

The Battery welcomes over 4 million visitors each year. Tourists from all over the world come to board the ferries to the Statue of Liberty and Ellis Island and take the opportunity to linger. A substantial number of people work or live in the vicinity and come to enjoy the views and open space. Concerts and other programs draw people to the park as well as the restaurant. We expect that the carousel will be a draw for families and all visitors to ride and to watch. As such it must be visually captivating and built to handle continuous use. Plans for ferry service between the Battery and Coney Island, where the New York Aquarium is located, are in discussion.

Project Description: The carousel and its enclosure is being designed by the architecture firm of Weisz + Yoes and is envisioned as a beacon, attracting people through movement, sound, light and fun. It will be interactive and open to the public seasonally, most likely April through October. However, it will be lit at night throughout the year. The proposed location is in the Bosque section between the Coast Guard Memorial and the restaurant.

The aquatic theme recalls New York's first Aquarium that was located in Castle Clinton from 1896 to 1941. The carousel should evoke the experience of swimming with the marine life. In the early stage of design the carousel is being conceived of as a series of figures rotating around the bearing assembly, a drum wrapped with a panel material that will refer to ocean life and possible scenic panels that do the same. The floor or platform is anticipated to be wood. Surrounding the carousel will be an enclosure that has a shell-like spiral form that accentuates the experience and enables lighting effects and music that enhances the carousel experience. Please refer to the drawings included with this package for more specific details.

Artist's Scope: The selected artist will join the team to design the figures. There are other areas of the design where participation is welcomed such as the light, sound, and surface imagery. The carousel will feature 27 figures - 26 sea creatures and 1 "chariot." This is not necessarily an actual chariot, but lower, a stationary figure that is easier to sit on, and increases accessibility to the experience. The diagram included in the package is schematic to show how the figures might be arranged.

The selected artist will help identify the species, their formation and relationship to each other. The list of species in the original Aquarium is included as a reference. We are open to including other species if it fits into your plan. There are many ways that the animals might be represented. While there is an interest in realism, there is considerable need for interpretation since in the natural world the actual animals and plants would not carry humans. There should be an element of fantasy in the experience, but it should not be reliant on cartoon imagery.

Materials: Traditionally carousels figures were fabricated out of wood. While this is a possible material, the Conservancy has been leaning toward translucent cast resin as a material because of its potential to be "aqueous". However, we are open to considering other materials.

Figure Specifications: The Weisz + Yoes diagram in this package indicates the specifications for the aquarium figures that are *strongly* recommended.

The selected artist or team will be responsible for design, including presentation models and maquettes and models or prototypes required for fabrication. The Carousel fabricator will be responsible for fabrication and installation. Qualified fabricators are being identified by the Conservancy and the architect.

Budget: Schematic design is advancing along with fundraising efforts for this joint public and privately funded feature. The entire project budget is anticipated to be \$1.5 million to \$2 million. Design and fabrication of the figures is estimated to be \$10,000 to \$20,000 for each. The artist's budget will be up to \$50,000 depending on the final scope of work. The artist's budget will cover:

- Artist Fee
- Office/Studio expenses and labor related to this project
- Presentation drawings and models as required for approvals and fundraising
- Working drawings, models, templates and prototypes as required for fabrication
- Artist's Travel
- Shipping of working drawings, models or prototypes to fabricator
- All Risk Art Insurance

Artist Selection Process: A committee has been formed to select finalists and advise the Conservancy on the final selection it includes:

Voting:	Warrie Price, Battery Conservancy Ted Berger, New York Foundation for the Arts Charlotte Cohen, Percent for Art Program Wopo Holup, Artist William Castro, NYC Department of Parks and Recreation
Advisors:	Tricia Mire, Lower Manhattan Cultural Council Suzanne O'Keefe, Downtown Alliance Harold Reed, Community Board 1 Bonnie Koepple, NYC Department of Parks and Recreation Jonathan Kuhn, NYC Department of Parks and Recreation Deborah Bershad, NYC Art Commission

The Conservancy has engaged art consultant and curator Jennifer McGregor to organize the artist selection process.

Selection Criteria: The Battery Conservancy will make its final decision based on the advisory committee's comments and recommendations, guided by the following selection criteria:

- Artistic Excellence
- Appropriateness, excitement and originality of proposed approach
- Ability to work collaboratively with the client, design team and fabricators

Successful experience with comparable projects

Five finalists (three individuals and two teams) have been invited to prepare proposals following the recommendations below. The proposals will be presented to the Advisory Committee in person on March 23. The artists should be prepared to discuss their design process with the committee. The Conservancy will make the final selection based on the Committee's comments and recommendations. The Conservancy reserves the right to reject all proposals.

A site visit has been scheduled for February 13 at 10:00 am. We will meet at the Conservancy office at 1 New York Plaza, Concourse Level. (Enter at Broad and Water Street and go down the steps to the concourse (basement). To get to the building, take the 1/9 train to South Ferry, the R to Whitehall or the 4/5 to Bowling Green.) This will be an opportunity for you to learn more about the project. Warrie Price, The Conservancy's President, will discuss the carousel and its relationship to the other exciting changes underway in the park. The architects will be on hand to discuss their vision and experience working with artists. We'll walk to the Battery to see the site. Any new information presented will be shared with artists who are unable to attend.

Proposal Submission: An honorarium of \$1,000 will be awarded to the finalists upon submission of the proposals. This must cover all expenses related to the submission including artists travel. The proposal will remain the property of the artist; however, The Conservancy reserves the right to retain the proposal for up to one year for display purposes, and the right to reproduce it for documentation purposes.

At the conceptual stage the proposals should convey the artist's approach to the project. Please bring 10 copies of any handouts to the meeting for panelists and advisors to study. The proposal should include the following:

- 1) A visual depiction of your concept that indicates your approach to the project and includes illustrations of several figures as well as the placement
- 2) A three dimensional small scale model of one figure
- 3) A written description addressing:
 - Approach to the project, concept and preferred materials
 - Resumes of all team members

Presentation specifics: Each finalist will have 30 minutes to present to the panel. As you prepare for the presentation, please allow at least 10 minutes for questions and discussion with the Committee. In the process thus far, the group viewed six of your slides and was briefed on your initial ideas as expressed in your application. If you wish to refer to previous work, please focus on specific projects or processes that relate to this proposal. A slide projector and a digital projector will be available. Please let the Conservancy know in advance if you will require this equipment.

A Finalist Proposal Agreement and W-9 Form, enclosed with this package, should be signed and returned to the Conservancy as soon as possible.

Calendar: The schedule is subject to change and the production schedule is dependent on successful fundraising.

Site Visit	February 13
Proposal Presentations	March 23
Winner notified	March 25
Cast of one figure fabricated	May
Gala Event to Carousel Plan and Figure	June 7
Approvals	Fall, 2004
Fundraising Continues	
Fabrication	
Completion	2006

Resources: The Conservancy has a binder containing the Zoological Society Bulletins from 1904-1926, these were written by Ida Mellon one of the staff ichthyologists. Contact Danny Zeiger (212-344-3491 x15 or dzeiger@thebattery.org) to schedule an appointment. The Conservancy's website contains basic historical information. We encourage artists to visit the New York Aquarium, passes are included in this package.

Considerations for the Selected Artist

Contracting: The selected artist (or team) will contract with the Battery Conservancy. The carousel will be owned by the City of New York therefore the design approval must follow the standard process that includes reviews by the City of New York Department of Parks & Recreation, Community Board 1, and the Art Commission.

Gala Presentation: The Conservancy intends to unveil the project and boost the fundraising campaign at the June 7 Gala, which will have an aquarium theme. Creating one life-size figure is part of this plan, which will involve the selected artist's immediate participation.

Design Development and Final Design: It is anticipated that the selected artist will adapt and adjust the design based on comments by the Advisory Committee and the Conservancy. The artist will also be part of the design team for the carousel and will contribute to the plans for the entire carousel. The design will also comply with specifications provided by the carousel fabricator.

Fabrication and Installation: The carousel fabricator will be responsible to build and install the carousel. The artist and architect will advise on the fabrication, review test samples and the fabrication progress.

Relevant Information

Artists invited to submit proposals:

Eric Berg, Brian McCutcheon

Barbara Broughel

Donald Lipski

Deborah Ross, Ruth Marshall, Priscilla Denaci Deichman

Christy Rupp

Questions should be addressed to:

Jennifer McGregor

646-344-0978

jennifermcgregor@earthlink.net

Please do not contact at Wave Hill unless the matter is urgent.